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# VIRGINIA STATE BUDGET

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2014 Special Session I

## Budget Bill - HB5001 (Chapter 1)

Bill Order » Central Appropriations » Item 469

Central Appropriations

Item 469	First Year - FY2013	Second Year - FY2014
<b>Payments for Special or Unanticipated Expenditures (75800)</b>	<b>\$7,988,609</b>	<b>\$6,761,353</b> <b>\$6,393,869</b>
Miscellaneous Contingency Reserve Account (75801)	\$750,000	\$4,011,977
Undistributed Support for Designated State Agency Activities (75806)	\$7,238,609	<del>\$2,749,376</del> \$2,381,892
Fund Sources:		
General	\$7,988,609	<del>\$6,761,353</del> \$6,393,869

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Authority: Discretionary Inclusion.

A. The Governor is hereby authorized to allocate sums from this appropriation, in addition to an amount not to exceed \$2,000,000 from the unappropriated balance derived by subtracting the general fund appropriations from the projected general fund revenues in this act, to provide for supplemental funds pursuant to paragraph D hereof. Transfers from this Item shall be made only when (1) sufficient funds are not available within the agency's appropriation and (2) additional funds must be provided prior to the end of the next General Assembly Session.

B.1. The Governor is authorized to allocate from the unappropriated general fund balance in this act such amounts as are necessary to provide for unbudgeted cost increases to state agencies incurred as a result of actions to enhance homeland security, combat terrorism, and to provide for costs associated with the payment of a salary supplement for state classified employees ordered to active duty as part of a reserve component of the Armed Forces of the United States or the Virginia National Guard. Any salary supplement provided to state classified employees ordered to active duty, shall apply only to employees who would otherwise earn less in salary and other cash allowances while on active duty as compared to their base salary as a state classified employee. Guidelines for such payments shall be developed by the Department of Human Resource Management in conjunction with the Departments of Accounts and Planning and Budget.

2. The Governor shall submit a report within thirty days to the Chairmen of House Appropriations and Senate Finance Committees which itemizes any disbursements made from this Item for such costs.

3. The governing authority of the agencies listed in this subparagraph may, at its discretion and from existing appropriations, provide such payments to their employees ordered to active duty as part of a reserve component of the Armed Forces of the United States or the Virginia National Guard, as are necessary to provide comparable pay supplements to its employees.

a. Agencies in the Legislative and Judicial Departments;

b. The State Corporation Commission, the Virginia Workers' Compensation Commission, the Virginia Retirement System, the State Lottery Department, Virginia College Savings Plan, and the Virginia Office for Protection and Advocacy;

c. The Office of the Attorney General and the Department of Law; and

d. State-supported institutions of higher education.

C. The Governor is authorized to expend from the unappropriated general fund balance in this act such amounts as are necessary, up to \$1,500,000, to provide for indemnity payments to growers, producers, and owners for losses sustained as a result of an infectious disease outbreak or natural disaster in livestock and poultry populations in the Commonwealth. These indemnity payments will compensate growers, producers, and owners for a portion of the difference between the appraised value of each animal destroyed or slaughtered or animal product destroyed in order to control or eradicate an animal disease outbreak and the total of any salvage value plus any compensation paid by the federal government.

D. Out of the appropriation for this item is included \$450,000 the first year and \$2,450,000 the second year from the general fund to be used by the Governor as he may determine to be needed for the following purposes:

1. To address the six conditions listed in § 4-1.03 c 5 of this act.

2. To provide for unbudgeted and unavoidable increases in costs to state agencies for essential commodities and services which cannot be absorbed within agency appropriations to include unbudgeted benefits associated with Workforce Transition Act requirements.

3. To secure federal funds in the event that additional matching funds are needed for Virginia to participate in the federal Superfund program.

4. To make additional payments to public institutions of higher education pursuant to Item 465 of this Act, up to a maximum of \$1,000,000, in the event that amounts appropriated for that purpose are insufficient.

5. To provide a payment of up to \$100,000 to the Military Order of the Purple Heart, for the continued operation of the National Purple Heart Hall of Honor, provided that at least half of other states have made similar grants.

6. In addition, if the amounts appropriated in this Item are insufficient to meet the unanticipated events enumerated, the Governor may utilize up to \$1,000,000 the first year and \$1,000,000 the second year from the general fund amounts appropriated for the Governor's Opportunity Fund for the unanticipated purposes set forth in paragraph D.1. through paragraph D.5. of this Item.

7. The Department of Planning and Budget shall submit a quarterly report of any disbursements made from, commitments made against, and requests made for such sums authorized for allocation pursuant to this paragraph to the Chairmen of the House Appropriations and Senate Finance Committees. This report shall identify each of the conditions specified in this paragraph for which the transfer is made.

8. In addition, to provide for payment of monetary rewards to persons who have disclosed information of wrongdoing or abuse under the Fraud and Abuse Whistle Blower Protection Act.

E. Included in this appropriation is \$300,000 the first year and \$300,000 the second year from the general fund to pay for private legal services and the general fund share of unbudgeted costs for enforcement of the 1998 Tobacco Master Settlement Agreement. Transfers for private legal services shall be made by the Director, Department of Planning and Budget upon prior written authorization of the Governor or the Attorney General, pursuant to § 2.2-510, Code of Virginia or Item 59, Paragraph D of this act. Transfers for enforcement of the Master Settlement Agreement shall be made by the Director, Department of Planning and Budget at the request of the Attorney General, pursuant to Item 59, Paragraph B of this act.

F. Notwithstanding the provisions of § 58.1-608.3B.(v), Code of Virginia, any municipality which has issued bonds on or after July 1, 2001, but before July 1, 2006, to pay the cost, or portion thereof, of any public facility pursuant to § 58.1-608.3, Code of Virginia, shall be entitled to all sales tax revenues generated by transactions taking place in such public facility.

G.1. Out of the appropriation for this Item, up to \$3,958,652 the first year from the general fund is provided to state agencies to cover unanticipated increases in the general fund cost of information technology and telecommunication charges, including contractually required transformations and mission critical telephone system replacements. The Director, Department of Planning and Budget, is authorized to transfer these funds to the impacted state agencies based upon information provided by the Virginia Information Technologies Agency.

2. The Chief Information Officer shall prepare a plan assessing the on-going cost of any telephone system funded from this Item. The plan should focus on options to minimize the on-going costs. The plan shall be submitted by September 1, 2012, to the Secretary of Finance and the Secretary of Technology.

H.1. Out of the appropriation for this Item, up to \$1,656,925 the first year and up to \$1,656,925 the second year from the general fund is provided to state agencies for costs incurred as the result of an internal service fund established within the Department of Accounts to cover ongoing operational and maintenance costs of the Performance Budgeting System, an enterprise application of the Commonwealth. The Director, Department of Planning and Budget, is authorized to transfer these funds to the impacted state agencies.

2. Out of the appropriation for this Item, up to \$215,101 the second year from the general fund is provided to state agencies for costs incurred as the result of an internal service fund established within the Department of Accounts to cover ongoing operational and maintenance costs of the Cardinal System, an enterprise application of the Commonwealth. The Director, Department of Planning and Budget, is authorized to transfer these funds to the impacted state agencies.

I. Out of the general fund appropriation for this Item, \$1,677,078 in the first year shall be transferred to state agencies and institutions of higher education to support the general fund portion of costs associated with benefits provided pursuant to the Line of Duty Act.

J.1.a. There is hereby appropriated in the second year an amount not to exceed \$20,000,000 from that portion of the general fund balance designated by the State Comptroller on June 30, 2013, for nonrecurring expenditures pursuant to § 2.2-1514 B., Code of Virginia, to further capitalize the Federal Action Contingency Trust (FACT) Fund. The purpose of this FACT Fund is solely to offset the potential loss of any revenue to the Commonwealth, either directly or indirectly related to any actions of the United States Congress as part of any federal budget reductions. In addition to the amounts appropriated herein, included in the FACT Fund is the balance of \$22,500,000, which was appropriated in Item 470 K.1 of Chapter 2, 2012 Special Session I. The first priority for the use of these funds shall be to ensure that the Commonwealth maintains sufficient funding to meet all required debt service payments appropriated in Item 280 of this act.

b. Notwithstanding the provisions of paragraph J.1.a., \$6,213,496 from the FACT Fund shall be provided in the second year, in addition to the nongeneral fund amounts in Item 459.05 A. of this act, to meet the Commonwealth's contribution to address encroachment upon the United States Navy Master Jet Base Oceana pursuant to the 2005 Base Realignment and Closure Commission recommendations.

c. Notwithstanding the provisions of paragraph J.1.a., up to \$3,000,000 from the FACT Fund, to be matched dollar-for-dollar from sources other than state funds, shall be used to assist any Virginia locality in which a U.S. Air Force Base is located to mitigate adverse impacts on military operations and employment levels caused by encroachment of incompatible uses, in advance of further actions by the federal Base Realignment and Closure Commission or any similar federal actions. Such funds shall only be used to purchase properties from willing sellers.

d. Notwithstanding the provisions of paragraph J.1.a. of this Item, up to \$5,000,000 from the FACT Fund may be provided to: (i) develop plans and implement strategies to prevent or limit the adverse economic impacts of closure, relocation, or realignment of federal military or security installations or other federal agencies located in Virginia, including actions to evaluate military and command clusters to assess their vulnerability for closure, relocation or realignment, and (ii) remedial efforts to promote renewed economic growth in jurisdictions adversely affected by closure, relocation, or realignment decisions on the part of the federal government.

2. There is hereby created an advisory committee to provide advice to the Governor concerning the use of the Federal Action Contingency Trust (FACT) Fund. The FACT Fund Approval Commission is established as an advisory commission in the legislative branch and shall consist of 10 members, including the Chairman of the House Appropriations Committee and four members of the House Appropriations Committee selected by the chairman, the Chairman of the Senate Finance Committee and four members of the Senate Finance Committee selected by the chairman. The secretaries of Commerce and Trade, Health and Human Resources and Finance shall also be available to provide technical assistance to the advisory committee.

3. Prior to the distribution of any funds from the Federal Action Contingency Trust (FACT) Fund, The FACT Fund Approval Commission shall review all prospective uses of the FACT Fund and recommend approval or denial of such uses to the Governor. The Governor shall also notify the chairmen of the Senate Finance Committee and the House Appropriations Committee in writing within ten days concerning his decision to distribute money from the FACT reserve having previously received approval from the advisory committee.

*4. The Director, Department of Planning and Budget shall revert the undesignated and unobligated balances of the FACT Fund, estimated at \$5,288,411, to the General Fund.*

K.1. Included in this Item is \$594,650 the second year from the general fund to support the transition offices established as a result of the 2013 elections for Governor, Lieutenant Governor, and Attorney General. Out of this amount, \$504,650 shall be transferred, based on actual expenses, to the Department of General Services and \$90,000 to the Division of Select Agencies Support Services for the provision of facilities, equipment, services, and supplies required to support the transition activity.

2. The Commonwealth's financial support for the transition is to be allocated as follows:

	<b>FY 2014</b>
Office of the Governor	\$414,200
Office of the Lieutenant Governor	\$83,600
Office of the Attorney General	\$96,850

3. The Virginia Information Technologies Agency shall fund all computer and telecommunications costs associated with the transition from the Acquisition Services Special Fund.

L. Included in this Item is \$282,700 the second year from the general fund to be transferred, based on actual expenditures, to the Department of General Services to support anticipated costs for the inauguration on January 16, 2014.

M. Included in this Item is \$40,000 the second year from the general fund to support the costs anticipated to be incurred by the legislative department for the inauguration on January 16, 2014.

*N. Out of this appropriation, up to \$50,000 the second year from the general fund is provided to reimburse state*

*agencies for the costs incurred as a result of the 2013 Attorney General election recount. The Director, Department of Planning and Budget, is authorized to transfer these funds to the impacted agencies.*